

General Information

Contact: Mel Pins

Address: Iowa Department of Natural Resources (DNR)
Wallace State Office Building
Des Moines, IA 50319

Phone: 515 281 8489

Fax: 515 281 8895

Email: mel.pins@dnr.state.ia.us

Web site: <http://www.iowadnr.com/land/consites/brownfields/index.html>
(Iowa Department of Natural Resources)

<http://www.iowasmart.com/brownfields>
(Iowa Department of Economic Development Brownfields page)

Program Description (VCP, brownfields, or related)

Brownfields definition: Federal definition as of January 2002.

Program titles: Land Recycling Program (LRP), established in 1997.

Liability relief provisions: Offers No Further Action (NFA), transferable to new owner.

Financial incentives (grants, loans, tax provisions, etc.)

- New Land Recycling Fund—1997 statute authorized to provide financial assistance and incentives.
- Hazardous Waste Remedial (HWR) Fund

Legislative or program site eligibility requirements:

- Legislative revisions specify minimum public participation requirements, add consideration of cumulative risk, and add a factor of safety of “ten to standards” for possible carcinogens. Rule revisions to address the legislative changes and other modifications to soil standards will be made.
- Liability is strict and retroactive. The Environmental Quality Act (EQA) preserves any legal or equitable rights, remedies or defenses. The state maintains that this preserves common law rules of joint and several liability. The state must try to negotiate a settlement with responsible parties (RPs) prior to using Fund monies for cleanup. The state can issue orders and seek injunctions against RPs to clean up sites. The state can collect up to \$1,000 per day for failure to notify, up to \$10,000 per day for water or air violations, and treble damages for willful failure to clean up.

Financial Elements

Assessment and cleanup funding (source, amount, relationship to VCP/brownfields programs, application process, eligibility requirements, dedication to special types of sites such as petroleum, dry cleaners, abandoned drug labs, etc.):

- Physical Infrastructure Assistance Program offers loans, loan guarantees, or cost shares, adaptable to brownfields projects meeting development criteria.
- Tax Increment Financing (TIF) mechanism allows cities or counties to reimburse response action costs, over a six-year period.
- The HWR Fund may be used for administration, site investigation, emergency response, removals, remedial actions, operations and maintenance, Comprehensive Environmental Response Compensation and Liability Act (CERCLA) match, studies and design, and grants to local governments. Seventy-five percent of the Fund must be used for remediation at non-CERCLA sites and for CERCLA cost share.
- Iowa received funding through the CERCLA 128(a) State and Tribal Response Program Grant. Iowa's grant focuses on small and rural communities in the state.
- Brownfields Cleanup Revolving Loan Fund (RLF), established through an FY04 EPA grant. Provides a total of \$250,000 to be distributed to eligible cleanup projects through flexible, and partially forgivable loan terms.

Tax incentives (abatements, credits, etc.): No information available

Other forms of support (environmental insurance, brownfields redevelopment authorities, etc.): No information available

Program Elements

Technical Elements

Methods/standards/controls:

- State uses statewide, background, and site-specific standards. Site-specific standards are risk based.
- Cleanup decisions are made on a site-by-site basis. State regulations do provide cleanup goals for ground water and surface water. State cleanups may use promulgated Ground Water Action Levels based on lifetime health advisories, negligible risk levels, and Maximum Contamination Levels (MCLs) (Admin. Code §567.133), but these are not usually used for hazardous site cleanups. Risk assessment is used to determine applicable cleanup levels if ground water contamination exceeds action levels. There is no established risk range set out in state policy. Under the voluntary program detailed regulations are being developed to set out cleanup levels. Such cleanups will use risk assessment, background levels, ground water standards, and soil standards per state law.

Contaminants covered/excluded: Any contaminant that has appropriate toxicity information available.

Use of long-term stewardship and institutional controls (tracking, oversight, monitoring, reopeners):

Statutorily-based environmental protection easement (EPE) is required for use with non-residential standards. May be possible to move the point of compliance with standards outside of area with an institutional control or appeal to a less restrictive standard with an institutional control. Use of an institutional control may not be allowed to address free product or “gross contamination.”

Management & Implementation Elements

Voluntary Cleanup Program MOA with EPA: June 2004

Costs to enter program or fees for service: For funding, the state will charge fees for oversight. There is an initial \$750 application fee, and reimbursement of actual state oversight costs is capped at \$7,500. Iowa does not have a brownfields program.

Funding source for administrative costs and staff: The Solid Waste Section of the DNR is responsible for program administration. There are currently 11.5 full-time employees (FTE). Legal support is provided by 0.5 FTE attorneys in the DNR’s Compliance and Enforcement Bureau. Forty-three percent (43%) of funds for staff and administration are from federal grants, 5% are from the state cleanup fund, and 26% are from a separate solid waste account, and 26% from RP for oversight cost.

Cleanup Activities

Sites currently in VCP: 29 sites are currently enrolled in the Land Recycling Program. Several other sites are also listed with the state’s contaminated sites program.

Sites completed under VCP: As of July 2002, two sites had completed the program and 27 were underway.

Benefits (incentives to participate in the VCP, covenants not to sue, etc.): The state is planning to implement more comprehensive inventorying of brownfields sites.

Public Participation

Public participation requirements (notice, comment periods, etc.): The voluntary cleanup law (455H) provides for public notice. But provisions for public comment, hearings, and meetings are handled as a matter of policy under both the enforcement and voluntary programs. Document availability requirements are established by a general statute.

Public participation activities (hearing, meetings, etc.): No information available

Statutory Authorities

- The *Environmental Quality Act* (EQA), Iowa Code Ch. 381–397 and 455B 423–431 (1972, as amended 1979, 1981, 1984, 1987, and 1991), establishes the Hazardous Waste Remedial Fund, provides cleanup

and enforcement authorities for abandoned sites, establishes a priority list, allows for citizen suits and water replacement, provides for site registry, and restricts property transfers. Significant amendments concerning cleanup authority for abandoned and uncontrolled sites were enacted in 1979, 1981, and 1987. A 1984 amendment established the Hazardous Waste Remedial Fund.

- The *Groundwater Protection Act*, Iowa Code Ch. 455E (1987), establishes procedures and criteria for cleanup of ground water.
- The *Groundwater Hazard Documentation Law*, Iowa Code Ch. 558.69 (1987, as amended 1988), establishes disclosure requirements for real property transfers.
- The *Land Recycling and Environmental Remediation Standards Act*, Iowa Code Ch. 455H (1997), establishes a voluntary cleanup program for the state.

Kansas

General Information

Contact: Frank Arnwine, Unit Leader

Address: Voluntary Cleanup Unit
1000 SW Jackson, Suite 410
Topeka, KS 66612-1367

Phone: 785 296 1665

Fax: 785 296 7030

Email: farnwine@kdhe.state.ks.us

Web site: http://www.kdheks.gov/remedial/vcprp_unit.htm

Contact: Rick Bean, Section Chief, Remedial Section

Address: Environmental Use Control Program
Remedial Section
Kansas Department of Health and
Environment (KDHE)
Bureau of Environmental Remediation
1000 SW Jackson, Suite 410
Topeka, KS 66612-1367

Phone: 785 296 1675

Web site: <http://www.kdheks.gov/remedial/eucs.htm>

Contact: Bridget Wilson, Unit Leader
Brownfields Program

Address: 1000 SW Jackson, Suite 410
Topeka, KS 66612

Phone: 785 291 3246

Fax: 785 296 7030

Email: bwilson@kdhe.state.ks.us

Web site: <http://www.kdheks.gov/brownfields/index.html>

Program Description (VCP, brownfields, or related)

Brownfields definition: Real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

Program titles:

- Brownfields Targeted Assessment Program
- Voluntary Cleanup and Property Redevelopment Program (VCPRP)
- Environmental Use Controls Program

Liability relief provisions: Under KSA 65-34,169 and KAR 28-71-10, stakeholders performing cleanup of contaminated properties that meet the criteria in the law (low to medium priority sites with minimal risk) can receive a No Further Action determination from KDHE to provide some protection

from potential liabilities. Adjacent property owners who did not contribute to the contamination may also receive protection from KDHE through such determinations.

Financial incentives (grants, loans, tax provisions, etc.):
None

Legislative or program site eligibility requirements:

Brownfields Targeted Assessment Program:

- Eligible applicants—Any unit of government (city, town, county, municipality, nonprofit organization) may submit a property for assessment.
- Eligible properties—All types of properties may receive an assessment, with some exceptions. The primary focus is on industrial and commercial properties; however, residential areas may be considered under special circumstances. Properties subject to enforcement action associated with environmental contamination are not eligible (e.g., Superfund sites). Units of government may petition for exceptions.

Voluntary Cleanup and Property Redevelopment Program (VCPRP)—All eligible properties must contain an actual, threatened, or suspected release of a contaminant or be impacted or threatened by contaminants from an off-property source.

Properties that are not eligible to participate in the VCPRP include: 1) properties listed or proposed for listing on the federal National Priorities List (NPL); 2) properties that are currently subject to existing environmental enforcement action, order or agreement with local, state, or federal governmental agencies; 3) properties which have, or should have, a permit pursuant to the Resource Conservation and Recovery Act (RCRA) containing a corrective action component; 4) properties contaminated by oil and gas activities regulated by the Kansas Corporation Commission; and 5) properties that present immediate and significant risk to human health and the environment, including public and private drinking water supplies.

Financial Elements

Assessment and cleanup funding (source, amount, relationship to VCP/brownfields programs, application process, eligibility requirements, dedication to special types of sites such as petroleum, dry cleaners, abandoned drug labs, etc.):

- Brownfields Targeted Assessment Program.
- Brownfields Cleanup Revolving Loan Fund Program.
- Kansas Agricultural Remediation Fund was created in July 2000 to assist in the investigation and remediation of qualifying properties with ag-related contaminants. The program provides direct reimbursement up to \$200,000, and low-interest loans up to \$300,000.

Tax incentives (abatements, credits, etc.):

No information available

Other forms of support (environmental insurance, brownfields redevelopment authorities, etc.):

No information available

Program Elements

Technical Elements

Methods/standards/controls: Environmental Use Controls Program (same as institutional controls).

Contaminants covered/excluded: Lead, asbestos, polychlorinated biphenyls (PCBs) all OK.

Use of long-term stewardship and institutional controls (tracking, oversight, monitoring, reopeners): Use environmental use controls.

Management & Implementation Elements

Voluntary Cleanup Program MOA with EPA: March 2001

Costs to enter program or fees for service: VCPRP applications must be submitted with \$200 nonrefundable application fee; initial deposit, not to exceed \$5,000 is required to cover KDHE's oversight costs including cost of labor associated with review of documents, studies and test results, collection of split samples, laboratory analysis, and other costs.

Funding source for administrative costs and staff:
No information available

Cleanup Activities

Sites currently in VCP: As of June 1, 2006, the VCPRP has received 399 applications with 263 properties currently active in either investigation or cleanup.

Sites completed under VCP: As of June 1, 2006, the VCPRP has issued 123 No Further Action letters.

Benefits (incentives to participate in the VCP, covenants not to sue, etc.): No further action determination, streamlined process, and clearly defined cleanup standards provided early in the process.

Public Participation

Public participation requirements (notice, comment periods, etc.): Notice is required when a cleanup plan has been accepted by KDHE. Notice must specify the comment period, which is at minimum, 15 days. In addition, the cleanup plan must be made available by KDHE to the public upon request.

Public participation activities (hearing, meetings, etc.): Following the 15-day public comment period, a public information meeting may be held by KDHE if the comments warrant a meeting, or the voluntary party requests a meeting. The public information meeting shall provide the public with information about relevant activities at the property associated with the voluntary cleanup and property redevelopment program. Public information meetings shall be attended by a member of KDHE and the voluntary party or designated representative, or both.

Statutory Authorities

- *Voluntary Cleanup and Property Redevelopment Act* KSA 65–34, 161 et seq.
- *Voluntary Cleanup and Property Redevelopment Program* KAR 28–71—28–71–12.
- Environmental Use Controls, KSA 65–1,221 et seq.

General Information

Contact: Jim Gilstrap

Address: Missouri Department of Natural Resources
(MoDNR)
Hazardous Waste Program
P.O. Box 176
Jefferson City, MO 65102-0176

Phone: 573 522 8139

Fax: 573 526 8922

Email: jim.gilstrap@dnr.mo.gov

Web site: www.missouribrownfields.com
www.dnr.mo.gov/env/hwp/bvcp/hwpvcv.htm

Program Description (VCP, brownfields, or related)

Brownfields definition: Missouri defines a brownfields as a site that is or is perceived to be contaminated by hazardous substances.

Program titles: Brownfields/Voluntary Cleanup Program (BVCP) (1994)—Updated program name in 2003

Liability relief provisions: Certificate of Completion issued by the state. Any interested party can apply with property owner's permission. Includes risk-based cleanup criteria, tied to future land use, and institutional and/or engineering control provisions.

Financial incentives (grants, loans, tax provisions, etc.):

- Brownfields Remediation State Tax Credits provided through the Missouri Department of Economic Development can reimburse up to 100% of cleanup costs. The tax credits are based upon job creation or retention. The project has to be enrolled in the BVCP. The tax credits have a 20-year period and can be sold to other parties.
- Site Specific Assessments (SSA) are available through the BVCP to local governments and nonprofit organizations. Phase I and/or Phase II Environmental Assessments are provided free of charge via a state contract with approved environmental consulting companies as the vendors. The applicant does not have to own the property or have the intention to acquire the property. The SSA can be requested on behalf of a third party.
- Environmental Assessment subgrants are available through the BVCP to local governments and nonprofit organizations. The subgrants reimburse up to 100% of the approved Phase I and/or Phase II Environmental Assessments contracted by the applicant with their selected environmental consulting company. The applicant can also recover the enrollment fee and Phase II oversight related costs of enrolling the project(s) in the BVCP. An EPA 104(k) Competitive Assessment Grant funds the subgrant program.

- Low-interest loans and grants are available through the Missouri Brownfields Cleanup Revolving Loan Fund (RLF). The Environmental Improvement & Energy Resource Authority (EI ERA) manages the RLF. Applicants have to be the property owner, cannot be a viable responsible party, but can be any entity; including individuals and profit-making organizations. An EPA 104(k) Competitive RLF Grant funds the subgrant program.
- Low-interest loans for brownfields cleanup are available through the Missouri State Revolving Fund (SRF). The MoDNR Water Protection Program manages the fund. The loans are available to local governments. To be eligible, a site has to have a water-related threat, either to surface or ground water.
- The Missouri State Historical Preservation Office (SHPO) state tax credit is a nationally leading program that is one of the largest providers of funds used for brownfields redevelopment in Missouri. The eligible project must be a structure on the national historical registry or be located within a designated historical district. The state tax credits can be sold and are in addition to federal tax credit programs.
- There are a broad range of grants, state tax credits, and loans available to address demolition, infrastructure building, and redevelopment. The Missouri Department of Economic Development manages most of the state programs and they are complimentary to similar federal programs provided by the Department of Housing and Urban Development (HUD) and the U.S. Department of Agriculture (USDA). The Missouri Department of Transportation also has programs to support redevelopment.

Legislative or program site eligibility requirements: Sites may not be eligible for the BVCP if:

- Site conditions constitute an imminent and substantial threat to public health or the environment.
- The site is, or was, or any part thereof, a permitted or interim status hazardous waste management facility regulated under the Resource Conservation and Recovery Act (RCRA).
- The site or any part thereof, has been investigated for listing on the Superfund National Priorities List (NPL).
- The site is or was, or any part thereof, the subject of an enforcement action, or the site warrants an enforcement action under RCRA; the Comprehensive Environmental Response Compensation and Liability Act (CERCLA); the Missouri Hazardous Waste Management Law; or any other federal or state environmental law or statute.
- Remediation has been initiated or completed since August 28, 1994 prior to applying for enrollment in BVCP.
- Contamination is a release from a petroleum storage tank that is eligible for cleanup under Missouri's Petroleum Storage Tank Insurance Fund.

Financial Elements

Assessment and cleanup funding (source, amount, relationship to VCP/brownfields programs, application process, eligibility requirements, dedication to special types of sites such as petroleum, dry cleaners, abandoned drug labs, etc.):

- Missouri's Drycleaner Environmental Response Trust (DERT) Fund provides for the investigation, assessment, and cleanup of dry-cleaning facility sites. Only chlorinated material contamination is to be addressed. Eligible sites will have costs reimbursed after a \$25,000 deductible up to \$1,000,000 per incident. The DERT fund is managed by MoDNR as part of the BVCP Section.
- Missouri's Petroleum Storage Tank Insurance Fund covers insured and other eligible petroleum sites with both under ground and above ground storage tanks. The fund will reimburse cleanup costs up to \$1,000,000 per incident after a \$10,000 deductible.

Tax incentives (abatements, credits, etc.): The Brownfields Redevelopment Program offers a menu of state tax credits for up to the entire amount of remediation costs; tax credits of between \$500-\$1300/year (for up to 10 years) for each new job created; capital investment tax credit of 2%; an income exemption of 50%; a tax abatement for up to 15 years for local property taxes.

Other forms of support (environmental insurance, brownfields redevelopment authorities, etc.): None

Program Elements

Technical Elements

Methods/standards/controls:

- Since 1998, the BVCP has been using its guidance document, Cleanup Levels for Missouri (CALM), to establish cleanup levels. It is a Risk-Based Corrective Action (RBCA)-like process, in which applicants can select standards for residential (or unrestricted), commercial, or industrial uses.
- The BVCP is using the Missouri Risk-Based Corrective Action (MRBCA) Process for Petroleum Storage Tanks, which was released in February 2004, at sites which are contaminated with petroleum and related compounds.
- MoDNR is finalizing the Missouri Risk-based Corrective Action (MRBCA) guidance document that will cover non-petroleum hazardous contaminants. This new guidance will replace CALM. Applicants enrolling a site in the BVCP have the option of choosing at the time of enrollment to have the remediation performed under the CALM or MRBCA guidance.

Contaminants covered/excluded: The BVCP addresses petroleum, asbestos, lead paint, CERCLA hazardous substances, polychlorinated biphenyls (PCBs), and controlled substances contamination.

Use of long-term stewardship and institutional controls (tracking, oversight, monitoring, reopeners):

- The BVCP recognizes that not all properties can be cleaned up to unrestricted use standards, as desirable as that would be. There are projects where the intended end use does not require the cleanup level to meet unrestricted use and the economics of doing so would prohibit the cleanup and redevelopment. Under the MRBCA guidance, the site remediation can be complimented by institutional and/or engineering controls. The most used institutional control is a restrictive covenant that is associated with and considered part of the property legal description. The covenant addresses restrictions of property usage. The covenant also documents the engineering controls in place and the cautions associated with working near or on the controlling feature.
- MoDNR is developing a long-term-stewardship system (LTS) to document and track the continued enforcement of institutional controls. The BVCP is providing the leadership for the LTS program, but it will address all remediated sites in Missouri regardless of the program providing oversight.

Management & Implementation Elements

Voluntary Cleanup Program MOA with EPA:
September 1996

Costs to enter program or fees for service:
Participants pay the state's actual costs and overhead (actual x 3.5). The application fee is \$200 and an initial deposit, up to \$5,000 initial deposit is made toward the costs. Oversight costs are charged on an hourly basis.

Funding source for administrative costs and staff:
The Missouri BVCP is administered by the MoDNR Division of Environmental Quality, Hazardous Waste Program with 12 full-time equivalent (FTE) staff. Other support agencies include the Geological Survey and Resources Assessment Division (GSRAD) and the Missouri Department of Health and Senior Services (DHSS). The Attorney General's Office provides legal support. The project management oversight fees cover only a portion of the BVCP cost. The balance of funding is through an EPA 128(a) State Response Grant.

Cleanup Activities

Sites currently in BVCP: As of June 30, 2006, 618 applications have been received since program establishment in 1994. 85+ applications are processed annually and there are typically 200 active projects.

Sites completed under BVCP: 309 certificates of completion have been issued. The balance of 100+ sites are inactive, denied, or chose to voluntarily withdraw from the program.

Missouri

Benefits (incentives to participate in the BVCP, covenants not to sue, etc.):

- Applicants receive assurance that their property has been cleaned up properly with the oversight of a state agency. The certificate of completion is an essential document when the applicant seeks financial institution support for redevelopment. Several state assistance programs' eligibility requirement is BVCP enrollment; these include the Brownfields Remediation Tax Credits, the EIERA RLF, and the Assessment subgrants. A certificate of agreement also protects the property owner from enforcement actions by either MoDNR or EPA for the contamination addressed by the cleanup.
- The State of Missouri and the communities the projects are located in benefit greatly. A 2006 study of the value of cleaned up projects profiled 50 redeveloped BVCP sites. Total investment on these 50 sites was \$2.2 billion: 11,053 full-time jobs were created; over 153 thousand tons of contaminated materials were removed; and 686 acres and 13 historic buildings were returned to profitable use.

Public Participation

Public participation requirements (notice, comment periods, etc.): Public notice, comment, and document availability are required by statute (Chapter 610). In addition, the *Missouri Hazardous Waste Management Law* provides for appeals through the Hazardous Waste Management Commission, which may convene a public hearing if a resolution of appeals cannot be negotiated. Public meetings, availability sessions, fact sheets, and news releases are commonly used to provide information to the public, and to solicit input from the public.

Public participation activities (hearing, meetings, etc.):

- A Missouri Brownfields Conference is held annually with a targeted audience of local government officials and community involvement groups. There were 120 participants at the 2006 conference.
- Brownfields workshops are offered and held statewide.
- Presentations are made at the annual and monthly meetings of several professional and community organizations, including Regional Planning Commissions.

Statutory Authorities

- The *Missouri Hazardous Waste Management Law*, Mo. Rev. Stat. §§260.350–260.575 (1977, as amended in 1980, 1983, 1985, 1987, 1988, and 1993), authorizes the Hazardous Waste Remedial Fund and provides for a priority list, strict liability, site access, administrative order authority, penalties, and punitive damages.
- The *Voluntary Cleanup Law* (passed in 1993 as S.B. 80), Mo. Rev. Stat. §§260.565–575, provides authority for a voluntary cleanup program.

General Information

Contact: Nebraska Department of Environmental Quality (NDEQ)

Address: 1200 N Street, Suite 400
P.O. Box 98922
Lincoln, NE 68509

Phone: 402 471 2186/3388

Fax: 402 471 2909

Web site: <http://www.deq.state.ne.us/>

Program Description (VCP, brownfields, or related)

The Remedial Action Plan Monitoring Act (RAPMA) allows NDEQ to coordinate voluntary cleanups. The program provides property owners and parties responsible for contamination with a mechanism for developing voluntary environmental cleanup plans which are reviewed and approved by the NDEQ.

Brownfields definition: No information available

Program titles: Remedial Action Plan Monitoring Act (RAPMA)

Liability relief provisions: If at the completion of remedial activities, the participant has remitted all applicable fees and has met the provisions and the objectives agreed to with NDEQ, then the Department may issue a letter stating that No Further Action (NFA) need be taken at the site related to the contamination for which the remedial action was conducted.

Financial incentives (grants, loans, tax provisions, etc.): No information available

Legislative or program site eligibility requirements: No eligibility requirements, open to all.

The statute (Section 81-15,181) requires the following six items:

- Remedial action plan;
- Documentation regarding the land pollution or water pollution at the site, including, information indicating that the applicant holds or can acquire title to all lands;
- Plan for the proposed project, including project monitoring reports, appropriate engineering, scientific, and financial feasibility data;
- Payment plan and schedule for the reimbursement of all NDEQ expenses related to monitoring the progress of the remedial action plan;
- Demonstration that the remedial action plan conforms with VEPA standards; and
- Payment of fees.

Financial Elements

Assessment and cleanup funding (source, amount, relationship to VCP/brownfields programs, application process, eligibility requirements, dedication to special types of sites such as petroleum, dry cleaners, abandoned drug labs, etc.): The voluntary participants pay for all site investigation and clean up costs. NDEQ staff oversight costs will be reimbursed to the Department by the program participants.

Tax incentives (abatement, credits, etc.): No information available

Other forms of support (environmental insurance, brownfields redevelopment authorities, etc.): No information available

Program Elements

Technical Elements

Methods/standards/controls: After the application has been reviewed, a conference will be set up between the participant and NDEQ. Conference discussions may include future land use, goals, cleanup levels, and expectations by the participant. A remedial action plan, which may include investigation activities and/or cleanup activities, can be developed by the participant from discussions at this initial meeting. NDEQ will then review the resulting remedial action plan. After the work has begun at the site, NDEQ will monitor the remedial action plan implementation at the level it believes is necessary and for which the participant has agreed to pay. It is anticipated that progress reports will be required for larger projects, as well as a final report. Site visits and sampling may also be included in monitoring activities. Additional conferences may be held between the participant and NDEQ, such as unanticipated problems or results that may need to be addressed through modifications of the remedial action plan.

Contaminants covered/excluded: Petroleum, asbestos, lead-based paints, and polychlorinated biphenyls (PCBs) all OK.

Use of long-term stewardship and institutional controls (tracking, oversight, monitoring, reopener): Institutional controls used on a site-by-site basis. No tracking system.

Management & Implementation Elements

Voluntary Cleanup Program MOA with EPA: No

Costs to enter program or fees for service: Application fee of \$5,000 and a participation fee of \$5,000.

Funding source for administrative costs and staff: Application fee is used by the NDEQ to offset expenses in regards to the reimbursement of all NDEQ expenses related to monitoring the progress of the remedial action plan.

Nebraska

Cleanup Activities

Sites currently in VCP: Currently, 14 sites are active in the voluntary cleanup program.

Sites completed under VCP: 4 sites have successfully completed cleanup requirements under the voluntary cleanup program and have received NFA letters from NDEQ.

Benefits (incentives to participate in the VCP, covenants not to sue, etc.): The voluntary program provides an avenue for businesses to proceed with cleanup of property and an opportunity for regulatory review and oversight that may not be available at the federal level.

Public Participation

Public participation requirements (notice, comment periods, etc.): No information available

Public participation activities (hearing, meetings, etc.):
No information available

Statutory Authorities

Remedial Action Plan Monitoring Act (Neb. Rev. Stat § 81–15,181).